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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,867	05/30/2001	Richard J. Qian	10559/476001/P11155	8975

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EXAMINER
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ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
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2165

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/870,867	<b>Applicant(s)</b> QIAN, RICHARD J.	
	<b>Examiner</b> Neveen Abel-Jalil	<b>Art Unit</b> 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on November 7, 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 5, 7-11, 14, 15, 17-21, 24, 25 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-5, 7-11, 14-15, 17-21, 24-25, and 27-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7-November-2006 has been entered.

2. The amendment filed on 7-November-2006 has been received and entered. Claims 2-3, 6, 12-13, 16, 22-23, and 26 have been cancelled. Claims 31-33 have been newly added. Therefore, claims 1, 4-5, 7-11, 14-15, 17-21, 24-25, and 27-33 are now pending.

### ***Claim Objections***

3. Claims 1, 11, and 21 are objected to because of the following informalities:

Claims 1, 11, and 21, all recite "such that" which constitute intended use never actually having to take place. The claims should be amended to recite more direct and positive language such as "wherein" or "providing".

There appears to be a missing semi-colon after "the server to" inline 6, in claim 11.

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Claim 11, line 6 reintroduces “a server” although previously mentioned in the limitation above it, is this a new instance of the server being claimed or is it a reference to the prior server thus lacking antecedent basis? Correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 4-5, 7-11, 14-15, 17-21, 24-25, and 27-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21's preamble recites “which, when executed” which indicates optionally never having to actually take place. Claim should be amended to recite more direct and definitive language such as replacing the noted recitation with “executable to”. Claims 25, 28, 30, and 33 carry the same deficiency.

All the independent claims first introduce the “associated metadata” but any later reference to “metadata” don't include the recitation of “associated” which causes lack of antecedent basis. Correction is required.

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6. Claims 1, 11, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are:

The “server” must first receive the result of the search in order to actually perform the claimed “parsing of the metadata”. That step appears to be missing.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 4-5, 7-11, 14-15, 17-21, 24-25, and 27-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Coden et al. (U.S. Patent No. 6,816,858 B1).

As to claims 1, 11, and 21, Coden et al. discloses a method, a system, an article of manufacture comprising machine readable medium having stored thereon instruction which, when executed, cause a machine to:

receiving a search criteria for content from a client, wherein the search criteria is based on user preference (See column 16, lines 43-54, and column 18, lines 33-35);  
a server coupled with the client, the server to (See column 18, lines 33-35)  
receive the search criteria

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search media sources for the content and associated metadata according to the search criteria (See column 4, lines 25-39, and see column 5, lines 11-24, and column 13, lines 29-37),

parsing the metadata in real-time (See column 5, lines 1-25, wherein “collateral” is read on “metadata”),

seamlessly integrating the content and the parsed metadata into integrated content according to the search criteria such that the integrated content is received by the client without having the client to switch between media sources, wherein the integrating of the content and the parsed metadata includes one or more of filtering of the content, labeling of the content, and prioritizing of the content (See column 7, lines 6-20, see column 16, lines 15-26, and see column 17, lines 59-67); and

providing the integrated content to the client (See column 17, lines 59-67).

As to claims 4, 14, and 24, Coden et al. discloses wherein media sources comprises one or more of television programs, Internet broadcasts, web pages, and electronic programming guides (EPGs) (See column 5, lines 5-19).

As to claims 5, 15, and 25, Coden et al. discloses wherein the parsing of the metadata is preformed via an Extensible Markup Language (XML) via an Application Programming Interface (API) (See column 5, lines 1-5, wherein structured documents are formed (XML is used in structured document retrieval), also see column 8, lines 1-5).

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As to claims 7, 17, and 27, Coden et al. discloses wherein the metadata comprises metadata descriptions associated with the content (See column 4, lines 25-39).

As to claims 8, 18, and 28, Coden et al. discloses generating the metadata descriptions via an analysis engine (See column 19, lines 160-35).

As to claims 9, 19, and 29, Coden et al. discloses wherein the analysis engine comprises a multi-modal analysis engine including one or more of a video analyzer, an audio analyzer, and a digital analyzer (See column 19, lines 16-35).

As to claims 10, 20, and 30, Coden et al. discloses wherein the processor is further to store the integrated content at a database (See column 16, lines 15-34, and column 18, lines 16-24).

As to claims 31, 32, and 33, Coden et al. discloses further comprising rendering the integrated content via a display device coupled to the client, wherein the client is coupled to the server (See column 18, lines 33-52).

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1, 4-5, 7-11, 14-15, 17-21, 24-25, and 27-33 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

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10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Makipaa et al. (U.S. Patent No. 6,556,217 B1) teaches integrated content adaptation and display in real-time.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Neveen Abel-Jalil  
January 29, 2007